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OFFICE OF PETITIONS

#18 DACS

Serial No. 09/532,402

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : M. A. Kepler et al.  
Serial No. : 09/532,402 Group Art Unit: 2172  
Filed : March 22, 2000 Examiner : A. Ly  
Title : Method and System for Searching, Accessing and Updating Databases

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Technology Center 2100

Petition To Withdraw Examiner's Improper  
Action Of Abandonment Under 37 CFR 1.181

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 19, 2004.

Alex L. Yip

Attorney Name

Signature

34,759

Registration No.

February 19, 2004

Date of Signature

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR § 1.181 and MPEP § 711.03(c) applicants hereby petition to the Commissioner to withdraw the Examiner's improper action of abandonment of the above-identified patent application. Applicants learned that the Notice of Abandonment of the application was mailed on January 20, 2004.

On December 2, 2002, the Patent Office mailed an Office Action in connection with the above-referenced patent application. The Patent Office subsequently mailed the Notice of Abandonment alleging that "Applicants fail[ed] to timely reply to the Office letter mailed on December 2, 2002." (See Exh. A (Notice of Abandonment).)

The Notice of Abandonment is improper and must be withdrawn as Applicants indeed replied to the December 2, 2002 Office Action in a timely manner. In fact, Applicants filed a Request for Reconsideration and Third Supplemental Information Disclosure Statement responsive to the Office Action on February 28, 2003 -- less than three months after the December 2, 2002 Office Action was mailed. (*See Exh. B.*) This document was sent to and received by the Patent Office as evidenced by:

- A return receipt postcard which was sent to the Patent Office on February 28, 2003 along with the Request for Reconsideration and Supplemental Information Disclosure Statement. **The postcard is stamped received by the Patent Office as of March 5, 2003.** (*See Exh. C.*)
- A copy of a fax transmission confirmation dated July 31, 2003 to Examiner Anh Ly, enclosing a copy of the Request for Reconsideration and Supplemental Information Disclosure Statement and return receipt postcard. This fax was sent in response to a request by Examiner Ly for a copy of the filed papers. **A copy of the fax transmission confirmation sheet is attached.** (*See Exh. D.*)
- A second fax transmission confirmation dated September 30, 2003 to Examiner Ly, enclosing another copy of the Request for Reconsideration and Supplemental Information Disclosure Statement and return receipt postcard. This fax was sent in response to a request by Examiner Ly for an additional copy of the filed papers. **A copy of the second fax transmission confirmation sheet is attached.** (*See Exh. E.*)

As demonstrated above, Applicants replied to the December 2, 2002 Office Action in a timely manner. Accordingly, the application should not be abandoned and a withdrawal of abandonment is therefore required.

Because this Petition to Withdraw Examiner's Improper Action of Abandonment "does not require a fee" (*see MPEP, § 711.03(c)*), no fee is enclosed herewith. Nevertheless,

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should a fee be due, the Commissioner is authorized to charge such fee to Kaye Scholer's Deposit Account Number 50-0988.

Respectfully,

Michael A. Kepler  
Christopher A. Huey  
Runping Qi  
Christopher A. Wake

Dated: February 19, 2004

By:   
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